

**MINUTES**

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

HON. CHARLES S. COODY, JUDGE AT Montgomery, Alabama  
DATE COMMENCED: 2/23/06 AT 9:03 a.m. to 9:25 a.m.  
DATE COMPLETED: 2/23/06 TO Digital Recorded

UNITED STATES OF AMERICA

V.

DON SIEGELMAN, ET AL

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CASE NO.: 2:05CR119-MEF-CSC

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**GOVERNMENT**

**APPEARANCES:**

**DEFENDANT**

Atty. Louis V. Franklin, Sr.

\* Atty. Vincent F. Kilborn, II  
\* Atty. Doug Jones  
\* Atty. Arthur W. Leach  
\* Atty. Leslie V. Moore  
\* Atty. James Jenkins  
\* Atty. Ron Wise  
\* Atty. Ed. Blunt

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**COURT OFFICIALS PRESENT:**

**Court Room Deputy:** Wanda Stinson

**Court Reporter:** James Dickens

**Law Clerk:** Corrie Long

( ) NON-JURY TRIAL

(X) OTHER PROCEEDINGS: **TELEPHONE STATUS CONFERENCE**

**SEE MINUTES ATTACHED**

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED		
<b>Description</b>	Status Conf. - USA v. Siegelman - 05cr119-F	
<b>Date</b>	2 /23/2006	<b>Location</b> Courtroom 4B
<b>Time</b>	<b>Speaker</b>	<b>Note</b>
9 :03:15 AM	Court	Status Conference call begins; parties on line as noted above; Discussions regarding jury composition and the Second motion for discovery records filed by Deft Scrushy; Discussions as to status of analysis of the records;
9 :05:43 AM	Atty. Jenkins	Response;
9 :05:52 AM	Court	Question as to how much longer the analysis is going to take;
9 :06:03 AM	Atty. Jenkins	Response - not time consuming; Depends on when we get the material and what format the materials are in;
9 :06:46 AM	Court	Discussion as to page 3 of the motion;
9 :07:11 AM	Atty. Jenkins	Response;
9 :07:25 AM	Court	Discussion as to any problems with Dr. Dunlaps analysis going forward;
9 :07:46 AM	Atty. Jenkins	Response regarding that data produce;
9 :09:04 AM	Court	That 's the deferral information requested; Question regarding request of data of the 2005 wheel;
9 :09:54 AM	Atty. Jenkins	Response as to the 10% dissparity;
9 :11:09 AM	Court	Discussions as to other challenges of intentional discrimination; Discussion as to evidence of the 2005 wheel;
9 :12:41 AM	Atty. Jenkins	Response as to evidence seeking;
9 :13:46 AM	Court	Response;
9 :14:52 AM	Atty. Jenkins	Response re: jury issue and qualified wheel;
9 :15:30 AM	Court	Response - what are those descretionary non random acts are?;
9 :15:35 AM	Atty. Jenkins	Response re: th deferred and excused process;
9 :15:57 AM	Court	You mean what happens to those jurors after they are deferred;
9 :15:59 AM	Atty. Jenkins	Response; And how are they put back into the jury pool, what percentage goes back into the jury pool and how they are scattered within the jury pool;
9 :16:15 AM	Court	Discussion as to the matter of evidence and will a hearing be necessary;
9 :16:28 AM	Atty. Jenkins	Yes. Have to be able to track the deferral process;
9 :16:54 AM	Court	Discussion regarding readiness for hearing;
9 :17:17 AM	Atty. Jenkins	Response - depends on how quickly we get data from jury people;
9 :18:47 AM	Court	Will set another telephone conf after the govt's response;
9 :19:29 AM	Atty. Jones	Discussions re: motions to adopt other defts' motions;
9 :19:59 AM	Court	The other defts are allowed to adopt deft's Scrushy's jury challenge if haven't done so already;
9 :20:43 AM	Atty. Jones	Response;

9 :21:07 AM	Court	Will enter order setting another telephone conference;
9 :21:47 AM	Atty. Jenkins	Heads up to the court on how the deferral process works;
9 :23:07 AM	Court	Response;
9 :23:43 AM	Atty. Jenkins	Response as to how the deferred jurors are scattered;
9 :24:09 AM	Court	Question to parties as to objections directing the court reporter tgiving a copy of this argument to the Clerk for her review;
9 :24:36 AM	Atty. Jenkins	No objections;
9 :24:41 AM	Atty. Jones	We have no objections;
9 :24:45 AM	Court	Conference call ends.